

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,873rd Meeting



9:00 a.m. January 6, 2005
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

MINUTES APPROVED AS PRESENTED
AT THE APRIL 7, 2005 MEETING

COMMISSIONERS PRESENT: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

COMMISSIONERS ABSENT: Brown

STAFF PRESENT: Gutierrez, Planning Director
Swiecki, Principal Planner
Coyazo, Senior Planner
Hayes, Senior Planner
Dinkel, Associate Planner
Laag, Assistant Planner
Walker, Assistant Planner
VanZanten, Sr. Engineer
Smith, Deputy City Attorney
Ramos, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Agnew called the meeting to order at 9:00 a.m.

The Pledge of Allegiance was given to the Flag.

**Partial Attendance*

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- 1292.) (*The applicant requests further continuance to January 20, 2005 and staff concurs.*) 9
- 5c. **PLANNING CASE P04-1292 (Continued from December 9, 2004):** Design Review of Plot Plan and Building Elevations by Terry Talley on behalf of Neal T. Baker Enterprises for an approximately 2,100 square foot fast food restaurant with a drive thru and an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. (*This case to be heard concurrently with Planning Cases P04-1289 and P04-1290.*) (*The applicant requests further continuance to January 20, 2005 and staff concurs.*) 9
6. **PLANNING CASE P04-1031 (Continued from December 9, 2004):** Proposal of Eddy Sutiono, on behalf of the Sugarbush Properties, for variances related to the installation of two freestanding signs on 18 acres developed with a commercial center, “University Town Center”, at 1756 University Avenue, situated on the southwest corner of University and Chicago Avenues, in the C-2 – Restricted Commercial Zone. **Variances requested:** 1) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along Chicago Avenue, where the Zoning Code allows a maximum 25-foot high, double-face freestanding sign with a maximum sign area of 100-square feet and three lines of copy; 2) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along University Avenue, where the Zoning Code allows a 6-foot high, double-face freestanding sign with a maximum sign area of 25-square-feet and two lines of copy. (*The applicant requests further continuance to January 20, 2005 and staff concurs.*) 10
- 7a. **PLANNING CASE P04-1120 (Continued from December 9, 2004):** Proposed conditional use permit by Kassab Ama to establish a service station and mini-mart with off-site alcohol sales on approximately one vacant acre, situated on the northerly corner of Market Street and Rivera Street, in the C-2 Restricted Commercial Zone. (*This case is being heard concurrently with P04-1157 and P04-1119.*) (*The applicant requests further continuance to January 20, 2005 and staff concurs.*) 10
- 7b. **PLANNING CASE P04-1157 and P04-1119 (Continued from December 9, 2004):** Proposed conditional use permit by Kassab Ama to establish an approximately 5,000 square foot market with off-site alcohol sales, and a design review of the plot plan and building elevations for an approximately 10,000 square foot, one-story commercial building and related parking, on an approximately one vacant acre, situated on the northwesterly side of Rivera Street, between Market Street and Allstate Drive in the C-2 Restricted Commercial Zone. (*These cases to be heard concurrently with P04-1120.*) (*The applicant requests further continuance to January 20, 2005 and staff concurs.*) 10
8. **PLANNING CASE P04-0950:** Proposal by Pete Mitchell on behalf of EMS Real Estate for the Design Review of the plot plan and building elevations for an approved senior citizens housing project consisting of 224 one and two-bedroom independent senior apartment units on approximately 10.7 acres developed with two single family residences situated southerly of Colorado Avenue, westerly of Snowberry Avenue and Adams Elementary School and northerly of Raintree Avenue, in the R-1-65 - Single Family Residential Zone. (*Related Planning Case - P04-0075.*) . (*The applicant requests continuance to January 20, 2005 and staff concurs.*) 10
9. **PLANNING CASES P04-1302 & P04-1304:** Proposal of Canty Engineering Group, Inc. on behalf of the Hindu Society of the Inland Empire for a revised conditional use permit and design review of a plot plan and building elevations to establish an approximately 34,000 square-foot two-story multiple purpose building including office and classroom space on approximately 2.28 acres of land developed with two single family residences and related accessory structures located at 3733 - 3771

- Everest Avenue, situated on the easterly side of Everest Avenue, approximately 200 feet southerly of Magnolia Avenue in the R-1-65 - Single Family Residential and P - Parking Zones. *(The applicant requests continuance to January 20, 2005 and staff concurs.)* 10
10. **PLANNING CASE P04-1238 (Annexation 101- Mariposa Avenue) (Continued from December 9, 2004):** Consideration of an annexation report and plan for providing services and to establish appropriate pre-zoning and General Plan land use designations to be placed on approximately 220 vacant acres generally bounded by Gamble Avenue to the west, Krameria Avenue to the north, Mariposa Avenue to the south and Obsidian Drive to the east. *(Staff recommends continuance to January 20.)* 10
11. **PLANNING CASE P04-0728:** Proposed conditional use permit by Keith and Alicia Cunningham to expand an elderly board and care facility to allow up to 18 ambulatory clients on approximately 1 acre, developed with an existing board and care facility at 3715 Monroe Street, situated the northeasterly side of Monroe Street, southeasterly of Magnolia Avenue, in the R-1-65 Single Family Residential Zone. *(The applicant requests continuance to January 20, 2005 and staff concurs.)* 11
12. **PLANNING CASES P04-1195 AND P04-1196:** Proposed conditional use permit and design review by City of Riverside Public Utilities Department to construct and operate the Riverside Energy Resource Center, a 96 megawatt natural gas fired simple cycle power plant proposed for use at times of peak electrical demand on an approximately 12 acre vacant site located at 5950 Acorn Street, situated immediately easterly of the existing City of Riverside Wastewater Plant, westerly of Payton Avenue and northerly of Jurupa Avenue in the MP - Manufacturing Park Zone. 12
13. **PLANNING CASE P04-1349:** Proposed Parcel Map 33112 by Gary Sanderson, on behalf of Andres Barrera, to subdivide approximately 2 acres of vacant land into 3 parcels for single family residential purposes, located at 5698 Norwood Avenue, situated on the westerly side of Norwood Avenue, northerly of Campbell Avenue and easterly of Stover Avenue in the RR- Rural Residential Zone. 15
14. **PLANNING CASE P04-0857:** Proposed Tract Map 32606 by A+K Architects on behalf of Farhad Kashefi, to subdivide approximately 5.6 acres currently developed with 2 single family residences into 9 lots for single family residential purposes located at 5850 Norwood Avenue, situated on the westerly side of Norwood Avenue, between Cypress and Campbell Avenues, in the RR - Rural Residential Zone. 16
- 15a. **PLANNING CASE P04-1340:** Proposed specific plan amendment by Roy W. Herbold Jr. on behalf of First States Investors, LLC to amend the Downtown Specific Plan - Prospect Place Office District regulations to allow the use of drive-up automatic teller machines for existing financial institutions that have a minimum property size of 2 acres. *(This case to be heard concurrently with P04-0861).* 19
- 15b. **PLANNING CASE P04-0861:** Proposed conditional use permit by Roy W. Herbold Jr. on behalf of First States Investors, LLC, to install and operate two drive-thru automatic teller machines (ATM's) on the southerly portion of an approximately 2.81 acre parcel developed with a financial institution and associated parking facilities at 3650 Fourteenth Street, situated on the southerly side of Fourteenth Street, easterly of Main Street, in the DSP-PPO, Downtown Specific Plan - Prospect Place Office District. *(This case to be heard concurrently with P04-1340).* 19
16. **PLANNING CASE P04-1244:** Proposed Parcel Map 33259 by Ike Genah, to subdivide an approximately .3 acre lot partially developed with a duplex into 2 lots to facilitate a new single family residence, at 3463 Dwight Avenue, situated on the westerly side of Dwight Avenue between Linden Street and Minnesota Street in the R-1-65 – Single Family Residential Zone. 21
- 17a. **PLANNING CASE P04-1358:** Proposal by Gilles Sayah for a variance related to the construction of an approximately 6,684 square foot commercial building on approximately 0.54 vacant acres at 2308 University Avenue, situated on the southwesterly corner of University and Eucalyptus

Avenues, in the C-2-SP-Restricted Commercial and Specific Plan Combining Zone. **Variance requested:** to permit direct alley access to the proposed off-street parking area where an internal circulation system is required. *(This case to be heard concurrently with P04-1081).*

- 23
- 17b. **PLANNING CASE P04-1081:** Proposal for design review of a plot plan and building elevations by Elias Alfata on behalf of Gill Sayah for an approximately 6,684 square foot commercial building on approximately 0.54 vacant acres at 2308 University Avenue, situated on the southwesterly corner of University and Eucalyptus Avenues, in the C-2-SP-Restricted Commercial and Specific Plan Combining and “P”-Parking Zones. *(This case to be heard concurrently with P04-1358).* . . . 23
18. **PLANNING CASE P04-1255:** Proposed street vacation by Christian Singletary and Hazel Evensen, to vacate Monroe Street situated between Irving Street and the southerly city limits. 24

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- 20a. **PLANNING CASE P04-0676:** Proposed General Plan Amendment by John Nicholson and William L. Davis on behalf of WLD Holdings, LLC to establish a Rancho La Sierra Specific Plan Overlay District encompassing approximately 1,462 mostly vacant acres located at the northwesterly boundary of City, including the existing Rancho La Sierra Specific Plan area and portions of the La Sierra Hills in the RC -Residential Conservation and RA-5 Residential Agricultural Zones. The Overlay District will accommodate the potential future submission of a specific plan within this area. 26
- 20b. **PLANNING CASE P04-0677:** Proposed Development Agreement between the City of Riverside and the Rancho La Sierra Property Owners to allow up to 598 single family dwelling units to be clustered on the River Ranch and Diaz portions of the expanded Rancho La Sierra Specific Plan area, and to preserve approximately 869 acres as open space located at the northwesterly boundary of City, including 150 acres within the existing Rancho La Sierra Specific Plan area and portions of the La Sierra Hills in the RC -Residential Conservation and RA-5 Residential Agricultural Zones. 26

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PLANNING/ZONING MATTERS FROM THE AUDIENCE

There were none.

CONSENT CALENDAR

1. **PLANNING CASE P04-1343**: Proposal of The Pulte Home Corporation for a one-year time extension for Tract Map 29515 to subdivide approximately 220-acres into 105 single family residential lots, situated generally east of Bradley Street and south of Overlook Parkway, in the R-1-130 – Single Family Residential and RC – Residential Conservation Zones.
2. **PLANNING CASE P04-1250**: Proposal by Ven Seng Ngonhvongsa for a one year time extension of Conditional Use Permit CU-062-012 to establish a church with caretakers quarters on approximately 0.5 acres developed with single family residences at 6021 Rutland Avenue and 8925 Cypress Avenue, situated on the northeasterly corner of Cypress and Rutland Avenues, in the C-2 Restricted Commercial Zone.
3. **PLANNING CASE P04-1408**: Proposed modification of a condition of Tract Map 8006 by Rosa Chavez to remove the special 40-foot front yard setback for five lots, each approximately .2 acres in size fronting on Tyler Street, at 4404-4432 Tyler Street, situated on the southwesterly side of Tyler Street, northwesterly of California Avenue in the R-1-65 Zone.

Commissioner Stephens was disqualified from participating in this hearing due to a potential financial conflict of interest.

Commissioner Leonard pulled Item 3 for discussion. He referred to the analysis describing a reduction of the setback from 40 feet to 20 feet, explaining that he is troubled by the findings and justification for the reduction in setback based on the fact that lots that have reduced setbacks date before 1964 under County jurisdiction before this area was annexed to the City, and a variance that was allowed for a room addition in another location. He asked staff to elaborate on why this is a good thing.

Mike Coyzao, Senior Planner, explained that with the waiver of access in place along the five lots on Tyler, they would be taking their access in the rear of the 20-foot alley; therefore, there would not be the same situation as with the other lots farther up the street with direct access onto Tyler. Access will be taken from the alley to the rear through a rear loaded garage.

John Swiecki, Principal Planner, stated the other issue is that any other residentially zoned lots on Tyler (R-1 Zoned lots) would have a 20-foot front yard setback. He explained the question is, is there any unusual circumstance remaining on this lot that requires a greater setback on any other lot on Tyler that is either built or unbuilt. In staff's mind, the idea of having an alley access is more compelling to allow it to go back to what would be permitted by right. He commented that we are not giving them a benefit that other properties in the area do not enjoy, but rather we are loosening the restriction.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Densmore, **TO APPROVE** the Consent Calendar.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: Stephens

ABSTAINED: None.

ABSENT: Brown

DISCUSSION CALENDAR

There were no items scheduled.

PUBLIC HEARINGS

- 4a. **PLANNING CASE P04-0803 (Continued from December 9, 2004):** Proposed Tract Map 32476 by CSL Engineering on behalf of the Merickel Companies to subdivide approximately 23 acres of vacant land into 34 lots for the future development of single family residences, situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue, in the RC - Residential Conservation and R-1-65-Single Family Residential Zones. *(This case is being concurrently heard with Planning Case P04-0967.) (The applicant requests further continuance to January 20, 2005 and staff concurs.)*
- 4b. **PLANNING CASE P04-0967 (Continued from December 9, 2004):** Proposed general plan amendment by CSL Engineering on behalf of the Merickel Companies to amend the General Plan land use designation for approximately 8.8 acres of vacant land situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue from RHS - Hillside Residential to RLD - Low Density Residential. *(This case is being heard concurrently with Planning Case P04-0803.) (The applicant requests further continuance to January 20, 2005 and staff concurs.)*

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO CONTINUE** the above cases to the meeting of January 20, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

- 5a. **PLANNING CASE P04-1289 (Continued from December 9, 2004):** Proposed conditional use permit by Terry Talley on behalf of Neal T. Baker Enterprises to construct an approximately 2,100 square foot fast food restaurant with a drive thru “Baker’s” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1290 and P04-1292.) (The applicant requests further continuance to January 20, 2005 and staff concurs.)*
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- 5c. **PLANNING CASE P04-1292 (Continued from December 9, 2004):** Design Review of Plot Plan and Building Elevations by Terry Talley on behalf of Neal T. Baker Enterprises for an approximately 2,100 square foot fast food restaurant with a drive thru and an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1290.) (The applicant requests further continuance to January 20, 2005 and staff concurs.)*

John Swiecki, Principal Planner, noted that the applicant is actually requesting a continuance to February 3, 2005.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO CONTINUE** the above cases to the meeting of February 3, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

6. **PLANNING CASE P04-1031 (Continued from December 9, 2004)**: Proposal of Eddy Sutiono, on behalf of the Sugarbush Properties, for variances related to the installation of two freestanding signs on 18 acres developed with a commercial center, "University Town Center", at 1756 University Avenue, situated on the southwest corner of University and Chicago Avenues, in the C-2 – Restricted Commercial Zone. **Variances requested:** 1) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along Chicago Avenue, where the Zoning Code allows a maximum 25-foot high, double-face freestanding sign with a maximum sign area of 100-square feet and three lines of copy; 2) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along University Avenue, where the Zoning Code allows a 6-foot high, double-face freestanding sign with a maximum sign area of 25-square-feet and two lines of copy. *(The applicant requests further continuance to January 20, 2005 and staff concurs.)*
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- 7b. **PLANNING CASE P04-1157 and P04-1119 (Continued from December 9, 2004)**: Proposed conditional use permit by Kassab Ama to establish an approximately 5,000 square foot market with off-site alcohol sales, and a design review of the plot plan and building elevations for an approximately 10,000 square foot, one-story commercial building and related parking, on an approximately one vacant acre, situated on the northwesterly side of Rivera Street, between Market Street and Allstate Drive in the C-2 Restricted Commercial Zone. *(These cases to be heard concurrently with P04-1120). (The applicant requests further continuance to January 20, 2005 and staff concurs.)*
8. **PLANNING CASE P04-0950**: Proposal by Pete Mitchell on behalf of EMS Real Estate for the Design Review of the plot plan and building elevations for an approved senior citizens housing project consisting of 224 one and two-bedroom independent senior apartment units on approximately 10.7 acres developed with two single family residences situated southerly of Colorado Avenue, westerly of Snowberry Avenue and Adams Elementary School and northerly of Raintree Avenue, in the R-1-65 - Single Family Residential Zone. *(Related Planning Case - P04-0075.) . (The applicant requests continuance to January 20, 2005 and staff concurs.)*
9. **PLANNING CASES P04-1302 & P04-1304**: Proposal of Canty Engineering Group, Inc. on behalf of the Hindu Society of the Inland Empire for a revised conditional use permit and design review of a plot plan and building elevations to establish an approximately 34,000 square-foot two-story multiple purpose building including office and classroom space on approximately 2.28 acres of land developed with two single family residences and related accessory structures located at 3733 - 3771 Everest Avenue, situated on the easterly side of Everest Avenue, approximately 200 feet southerly of Magnolia Avenue in the R-1-65 - Single Family Residential and P - Parking Zones. *(The applicant requests continuance to January 20, 2005 and staff concurs.)*
10. **PLANNING CASE P04-1238 (Annexation 101- Mariposa Avenue) (Continued from December 9, 2004)**: Consideration of an annexation report and plan for providing services and to establish appropriate pre-zoning and General Plan land use designations to be placed on approximately 220 vacant acres generally bounded by Gamble Avenue to the west, Krameria Avenue to the north, Mariposa Avenue to the south and Obsidian Drive to the east. *(Staff recommends continuance to January 20.)*

11. **PLANNING CASE P04-0728**: Proposed conditional use permit by Keith and Alicia Cunningham to expand an elderly board and care facility to allow up to 18 ambulatory clients on approximately 1 acre, developed with an existing board and care facility at 3715 Monroe Street, situated the northeasterly side of Monroe Street, southeasterly of Magnolia Avenue, in the R-1-65 Single Family Residential Zone. *(The applicant requests continuance to January 20, 2005 and staff concurs.)*

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO CONTINUE** the above cases to the meeting of January 20, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

12. **PLANNING CASES P04-1195 AND P04-1196:** Proposed conditional use permit and design review by City of Riverside Public Utilities Department to construct and operate the Riverside Energy Resource Center, a 96 megawatt natural gas fired simple cycle power plant proposed for use at times of peak electrical demand on an approximately 12 acre vacant site located at 5950 Acorn Street, situated immediately easterly of the existing City of Riverside Wastewater Plant, westerly of Payton Avenue and northerly of Jurupa Avenue in the MP - Manufacturing Park Zone.

Steve Hayes, Senior Planner, presented the staff report. He noted that Condition 10 of the design review conditions should be modified to delete the language related to Hughes Alley as it applies to a previous case.

Commissioner Densmore stated it is his understanding this is for peak periods only. He asked if these peak periods are for the City of Riverside or for anywhere where this could be fed into the grid.

Mr. Hayes deferred to the applicant.

Commissioner Norton asked if there will still be some crushed-rock roads.

Mr. Hayes stated yes.

Dave Wright, Interim Public Utilities Director of the City of Riverside, introduced Bob Gil of their technical staff. He commented that this is an exciting project for the Utility; it is the largest capital project ever undertaken by the Utility and the City as a whole. He explained it is very important for the customers of Riverside to have this local generation. Until about two years ago, every kilowatt that came to the City of Riverside came through a location in Colton; if anything were to happen to that location in Colton, the whole City was without power. They constructed the Springs Generation Station in Orangecrest, which provides 40 megawatts. He stated this is a good amount, but not enough; they need this local generation to ensure that our customers have power during the peak periods. He noted that power can be diverted elsewhere as necessary. He explained that, in disaster, if something happens to the connection in Colton, this power plan, in combination with the Springs Plant, would provide enough power so that the City could supply all of the hospitals, schools, and emergency centers in town until such time the City could be connected back up in Colton. With some disasters, it could be up to a week before connections can occur, especially if it is a large geographic region that was affected. He stated the exciting thing here is, besides everything else that has been presented, the disaster support the City can attain by having this in town and being able to provide power to those entities that need it.

Bob Gil thanked the Commission and staff for all of the efforts put into this project. He stated that they have no problem with the conditions, with the exception of Condition 3. He suggested Condition 3 be modified to state, "The generator facility is approved for peaking power, generation, typically at times of peak demand". This would then not preclude its use for emergency use, or its use for testing. This would not preclude use of the generators should the grid power prices go to extremes, so that they can protect the rate payers here in the City. He commented that the use of the generators are for the use of the customers and they will not be selling it.

Commissioner Leonard stated on the analysis it states that the anticipated hours of operation are noon to until 8:00 p.m., Monday through Friday. He asked for clarification that this is during the peak time, when the plant is in operation and not 365 days a year.

Mr. Gil stated no and explained that the normal usage would be when their loads are high. They have sufficient base load to cover the balance of the time of the year. He stated the only exception would be should they lose one of their external generators. They may need to start a unit for recovery; one of their inner mountain units in northern Utah

for a short period of time until they can make arrangements to import additional power. He commented that it would be more for recovery situations, not extended time periods.

Commissioner Leonard referred to the Springs Generation Plan and the fact that it has a limitation of 40 megawatts with this being 50. He inquired as to whether this will be sufficient to handle the demands that are projected to be needed by the City or if they anticipate additional plants to be required.

Mr. Gil indicated they still have about 4 acres open and the anticipation is in the 2011 to 2013 time frame that they may be adding two additional units.

Commissioner Leonard commented so if additional peaking capacity is needed it is going to be concentrated at this site, rather than at another site.

Mr. Gil stated yes.

Commissioner Leonard referred to Condition 3, which deals with separate Planning Commission approval being required if the power is exceeding 1330 hours per year, and inquired as to why this cannot be based on a complaint basis.

Mr. Hayes stated that is something that could be considered. .

Commissioner Kurani asked what the source of fuel is for the generators.

Mr. Gil stated natural gas. They have a 30-inch high pressure gas main crossing the northeast corner of the property.

Doug Shackelton, Canty Engineering Group, 2010 Iowa Avenue, Suite 110, stated that he is representing the Riverside Auto Auction as they own all of the property across Payton adjacent to this facility. He commented that this property is in the process of development. He noted that they are very supportive of this application and urged the Commission to accept staff's recommendation.

Commissioner Norton asked Mr. Wright to comment on Commissioner Leonard's recommendation.

Mr. Wright stated for any power plant in southern California there is also AQMD regulations and other regulations that they also adhere to. He stated that they can work with staff in wording it, but the level comes from AQMD, not going beyond the peak hours; however, having the ability in an emergency to work with the State, which did happen a few years ago where they said to run it beyond the 1300 hours because there is not enough power from the State, they worked with AQMD at that time. He stated that staff might have some detailed wording they would like to include; however, they would completely support the approach of being able to run it in an emergency before coming back to Planning Commission.

John Swiecki, Principal Planner, suggested that some language be added to the effect of keeping that cap in place unless otherwise approved by the State and other regulating authority.

The public hearing was officially closed.

MOTION MADE by Commissioner Stephens, **SECONDED** by Commissioner Leonard, **TO APPROVE** P04-1195 and P04-1196, subject to the recommendations and conditions of staff, **WITH MODIFICATION** to Condition 3 of P04-1195 as follows: "The generator facility is approved for temporary peak power generation, typically at times of peak demand only. ~~Separate Planning Commission approval at a public hearing is required~~

~~to operate the generators in excess of 1,330 hours per year.”~~ Also, the last sentence of Condition 10 of P04-1196 is to be deleted. The motion also includes the recommendation for approval of the mitigated negative declaration.

Commissioner Densmore expressed his concern that he has a little bit of problem removing the last sentence of Condition 3. He feels the intent of it is to maintain some sort of review control. If it is totally removed, what review does the City or the people have to maintain some control if the generators are operated in excess of a certain amount. He feels it should at least be brought back for review and removing that sentence takes away that right.

Mr. Hayes stated in the standard conditions for Planning, specifically conditions 11 and 13 restrict the use of this facility to that of a “peaker” plant. He commented that it has been put into the record today what the anticipated hours are and what the intent of this facility is. Such that this facility will be required to operate as it is described in the report. If there is a modification, it would have to come back to the Planning Commission if it goes beyond the level that is being described here today.

Commissioner Densmore inquired as to who would be the monitoring agency.

Mr. Hayes stated there were reports that were needed to be presented to the affected agencies, so it could be monitored that way.

Commissioner Densmore stated we are talking about peak periods of load primarily during the summer months, or whenever the demand is, and certainly some testing. He commented that he is looking at a worst case scenario, especially since this is fairly new area. He thinks we need to look at where we want to go, especially if there is going to be an expansion, or potential expansion of that particular generating facility in the future. He wants the Commission to be comfortable with the City’s right to go in and say, you know, we have had a lot of complaints, you said 1300 hours, but you’re running all year, etc.

Mr. Gil commented that they have an annual report they must file.

MOTION CARRIED unanimously.

- AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens
- NOES: None.
- DISQUALIFIED: None.
- ABSTAINED: None.
- ABSENT: Brown

Chairman Agnew advised of the appeal procedure.

13. **PLANNING CASE P04-1349:** Proposed Parcel Map 33112 by Gary Sanderson, on behalf of Andres Barrera, to subdivide approximately 2 acres of vacant land into 3 parcels for single family residential purposes, located at 5698 Norwood Avenue, situated on the westerly side of Norwood Avenue, northerly of Campbell Avenue and easterly of Stover Avenue in the RR- Rural Residential Zone.

Steve Hayes, Senior Planner, presented the staff report.

Gary Sanderson, the applicant, stated that he agrees with staff's conditions of approval.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-1349, subject to the recommendations and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

Chairman Agnew advised of the appeal procedure.

14. **PLANNING CASE P04-0857:** Proposed Tract Map 32606 by A+K Architects on behalf of Farhad Kashefi, to subdivide approximately 5.6 acres currently developed with 2 single family residences into 9 lots for single family residential purposes located at 5850 Norwood Avenue, situated on the westerly side of Norwood Avenue, between Cypress and Campbell Avenues, in the RR - Rural Residential Zone.

Jennifer Walker, Associate Planner, presented the staff report.

William Shen of Trans American Engineering, stated he is the civil engineer of this project. He noted that they concur with the conditions of approval.

Commissioner Comer referred to the southerly side of Lot 1, 6 and 7, inquiring as to whether the street will be improved or remain a half street.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated at this point under this development, it will be a half street plus so many feet of roadway with curb, gutter, and sidewalk on the northerly side; this will provide an opportunity for the property to the south. Should they subdivide in the future, they can complete the street improvements, dedicate the remaining right-of-way, and have legitimate street frontage.

Commissioner Comer stated as Stover comes up from the south to the north, will it be a full width street.

Mr. Van Zanten stated maybe 30% of Stover has full improvements, but it is a varying width.

Commissioner Comer inquired specifically, from the point that Stover's current improvements stop to where Stover comes into this new street.

Mr. Van Zanten stated 24 feet total paving, soft-shoulder. He noted since this is off site from the development, it would be difficult to justify anything beyond minimum access to this development.

Commissioner Comer stated, but we are going to have minimum access into standard streets.

Mr. Van Zanten stated the way he sees it is, Stover, from Campbell, all the way up to this development is varying levels of improvements.

Commissioner Comer commented that we cannot fix those things now. He expressed his concern that he would prefer to have full improvements made in this instance.

Mr. Van Zanten stated he is not opposed to that. He explained that his rationale is that because this section of Stover is not within the map limits, is there a nexus to require the full improvements adjacent to those properties that are beyond this development.

Commissioner Comer stated that this area is in dire need of cleaning up. He feels if we run a 20-foot, soft-shoulder asphalt strip into this nice new neighborhood, we are going to have a nice new neighborhood with a not-so-nice entrance where there is already a dedication available to us to at least start cleaning everything up and maybe other people along Stover will then get on the bandwagon and do stuff to clean the area up.

Mr. Van Zanten pointed out that immediately south of this section that we are speaking of, there is a parcel map that was before the Commission a year ago that is getting very close to recordation. Full street improvements will exist at this point southerly as well and this would even extend that contiguous section of full street improvements.

John Swiecki, Principal Planner, stated as Public Works staff has indicated there is a fine line here. He commented that he is sure everyone would prefer to have full improvements everywhere, but at what point is there a legal nexus or requirement for traffic/circulation to provide that excess level of improvement, providing a benefit to an undeveloped property at this developer's expense. That is the judgment call.

Commissioner Comer asked if this is an excess level of improvement from the current City standard.

Kristi Smith, Deputy City Attorney, stated that if the Commissioner believes there is justification to establish a nexus, as Mr. Van Zanten has stated, that if Stover southerly of what is being developed is going to be a standard width city street, fully developed, then go into a non-standard width, then into a standard width, then you've got your nexus because it does not make sense to connect to a nonstandard width if you want to have that continuing public safety issues that the flow of traffic where you will have a nice continuing street going from the Stover to the offer of dedication area. So, if those may be the Commission's justifications to establish the nexus to allow them to change that condition.

Commissioner Comer asked the applicant if he would like to have a full street width to make his project nice.

Al Amire, the architect, 2172 Dupont Drive, Irvine, stated it is about 200 to 300 yards going from the subdivision into Stover Street. He commented that street improvements are very expensive. He noted that in their original plan, which was not approved by the Planning Department, they proposed to go into the street of Norwood; however, the plan was changed. At the beginning, there was no objection because it was only 20 feet and light paving was accepted by the owner. He feels it would be a good idea.

Farhad Kashefi, the owner of the property, commented that he is available for questions.

Commissioner Leonard asked for clarification that there is 50 feet of dedication that is existing.

Mr. Van Zanten stated that is correct.

Commissioner Leonard commented it is 15 feet short and asked if there is sufficient dedication to accomplish the improvement within the property to the south of this.

Mr. Van Zanten stated physically they could fit full improvements including sidewalk within that 50 feet and have ½ foot to spare at the back of each sidewalk on each side of the street. That is assuming there is not match-up grading or anything like that. He stated it is a matter of whether sidewalk is included or if we are looking at roadway improvements and not including the pedestrian way.

Commissioner Leonard stated that 24 feet is universally recognized as sufficient access. He explained his concern is if the property to the south is developed, there would be no question that we would be conditioning for full improvements, but the property is vacant. He commented that the question is to what extent do we want to condition a gift to the adjoining property, realizing and gaining full improvements at no cost and seeing all of that value right into his property without participating at all. At the same time, the City is evolving from suburban community to an urban city and improvements are needed.

Commissioner Kurani agreed.

Ms. Smith reminded the Commission that the Commission cannot consider the economics of the development. She stated that if the Commission does not believe there is a strong enough nexus to support the widening to a fuller than 24 feet, then they could accept the conditions as is or, if the Commission believes the nexus is there to establish the

need for wider than the 24 feet, the nexus establishes the right to put that condition on the applicant, regardless of the cost.

Commissioner Stephens noted the trade off in terms of the potential additional burden of the cost of improvements relative to the benefit gained by the Commission granting variances. He commented that he would weigh that in his consideration.

Commissioner Norton commented that she feels Commissioner Comer has established the nexus. She feels there is a safety issue and that the Commission is charged with moving Riverside forward. She personally has looked over the past where the Commission has done piece meal things and it has come back to haunt them. She believes this is something that needs to be done.

The public hearing was officially closed.

MOTION MADE by Commissioner Comer, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-0857, subject to the findings, recommendations, and conditions of staff, **WITH MODIFICATION** to Condition 18 to reflect that standard street improvements will be required on Stover. He noted that staff's variance justifications will apply to this motion. The motion also includes the recommendation for adoption of a Negative Declaration.

Commissioner Comer encouraged the Commission to vote in favor of this in that providing these variances would get the developer an additional lot.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

Chairman Agnew advised of the appeal procedure.

- 15a. **PLANNING CASE P04-1340:** Proposed specific plan amendment by Roy W. Herbold Jr. on behalf of First States Investors, LLC to amend the Downtown Specific Plan - Prospect Place Office District regulations to allow the use of drive-up automatic teller machines for existing financial institutions that have a minimum property size of 2 acres. *(This case to be heard concurrently with P04-0861).*
- 15b. **PLANNING CASE P04-0861:** Proposed conditional use permit by Roy W. Herbold Jr. on behalf of First States Investors, LLC, to install and operate two drive-thru automatic teller machines (ATM's) on the southerly portion of an approximately 2.81 acre parcel developed with a financial institution and associated parking facilities at 3650 Fourteenth Street, situated on the southerly side of Fourteenth Street, easterly of Main Street, in the DSP-PPO, Downtown Specific Plan - Prospect Place Office District. *(This case to be heard concurrently with P04-1340).*

Jennifer Walker, Associate Planner, presented the staff report.

Commissioner Densmore asked for clarification that what the Commission is doing is making an exception and this is really the only piece of property in this particular area that will meet that exception.

Ms. Walker stated yes.

Roy Herbold, representing First State Investors and Bank of America, stated that they concur with all of the conditions of approval.

Commissioner Leonard referred to the ATM Kiosk with “ND” and inquired as to what “ND” stands for.

Mr. Herbold explained that “ND” stand for “Night Depository”.

Commissioner Leonard stated that in the wall adjoining the adjacent properties there is a break that says six foot fence. He asked if that is an existing gate.

Mr. Herbold indicated there is a six foot wall separating the entire area.

Ms. Walker explained that this fence area will be removed per a minor conditional use permit granted to the south.

The public hearing was officially closed.

MOTION MADE by Commissioner Singletary, **SECONDED** by Commissioner Densmore, **TO APPROVE** cases P04-1340 and P04-0861, subject to the findings, recommendations and conditions of staff, including the recommendation for adoption of a mitigated negative declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

Chairman Agnew advised of the appeal procedures.

16. **PLANNING CASE P04-1244:** Proposed Parcel Map 33259 by Ike Genah, to subdivide an approximately .3 acre lot partially developed with a duplex into 2 lots to facilitate a new single family residence, at 3463 Dwight Avenue, situated on the westerly side of Dwight Avenue between Linden Street and Minnesota Street in the R-1-65 – Single Family Residential Zone.

Robert Laag, Assistant Planner, presented the staff report.

Chairman Agnew indicated that when a driveway is built for each one of these lots, there is not going to be a way to turn into this garage.

Mr. Laag noted that he did have a conversation with the applicant about the garage and it was indicated by the applicant that he would be removing the garage and doing some sort of a carport in that area. He stated that the garage is in a little bit of disrepair, and the applicant intends to work on it to make it accessible.

Ike Genah, 1430 Tangelo Lane, La Habra Heights, stated that he agrees with the conditions of approval.

Chairman Agnew asked the applicant what he plans to do with the duplex.

Mr. Genah stated that the duplex is going to stay, but he is going to build a new garage, possibly with the driveway in the back. He commented that he has plenty of room for that.

Chairman Agnew commented that he disagrees with that. He asked Mr. Genah if he plans to do any improvements to the duplex.

Mr. Genah stated just painting, etc.

Chairman Agnew stated that he noticed there are two power poles at the roadway where the new driveway is proposed. These would have to be removed. He commented that he does not think he can support this with the little information they know about it.

Mr. Genah explained that the site is pretty bad right now with trash and broken cars. He noted that the records will state how many times the City has gone out there to clean it up.

Chairman Agnew asked staff if there are enough conditions here to do something to the duplex with street improvements plans.

John Swiecki, Principal Planner, stated certainly the standard improvement plans would be a condition of approval, but the Commission does raise good points in terms of access to that existing driveway. Will there be sufficient parking? Will there be adequate maneuvering? He commented that staff would agree to a continuance of this case in order to draw up a plan that everyone is comfortable with and can work.

Commissioner Singletary encouraged the applicant to continue this case for 30 days. He explained that he would like the applicant to show in the plans exactly what he intends to do.

Commissioner Norton asked staff to meet with the applicant because if there are two power poles, the applicant needs to understand the implications of possibly having to move those.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated that in conjunction with any site plan that may be developed, topo in that area might show obstruction in the area. He stated these can be relocated, but

it is certainly not without cost. He commented these are things better to know in the early stages, rather than after the fact.

MOTION MADE by Commissioner Singletary, **SECONDED** by Commissioner Singletary, **TO CONTINUE** P04-1244 to the meeting of February 3, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

- 17a. **PLANNING CASE P04-1358**: Proposal by Gilles Sayah for a variance related to the construction of an approximately 6,684 square foot commercial building on approximately 0.54 vacant acres at 2308 University Avenue, situated on the southwesterly corner of University and Eucalyptus Avenues, in the C-2-SP-Restricted Commercial and Specific Plan Combining Zone. **Variance requested:** to permit direct alley access to the proposed off-street parking area where an internal circulation system is required. *(This case to be heard concurrently with P04-1081).*
- 17b. **PLANNING CASE P04-1081**: Proposal for design review of a plot plan and building elevations by Elias Alfata on behalf of Gill Sayah for an approximately 6,684 square foot commercial building on approximately 0.54 vacant acres at 2308 University Avenue, situated on the southwesterly corner of University and Eucalyptus Avenues, in the C-2-SP-Restricted Commercial and Specific Plan Combining and “P”-Parking Zones. *(This case to be heard concurrently with P04-1358).*

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO CONTINUE** the above cases to the meeting of January 20, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Brown

18. **PLANNING CASE P04-1255**: Proposed street vacation by Christian Singletary and Hazel Evensen, to vacate Monroe Street situated between Irving Street and the southerly city limits.

Don Dinkel, Associate Planner, presented the staff report. He noted that staff received a letter of opposition; however, the neighbor has since withdrawn his opposition.

Doug Shackelton of Cauty Engineering, 2010 Iowa Avenue, representing the applicants, stated that he concurs with the conditions of approval, except for Condition 6. He explained that this condition is a standard condition requiring an access easement to serve all the parcels when the street is taken away, which is agreeable; however, they are asking that the installation of 24 feet of paving be reduced to 20 feet. He stated that this is a five-acre zoning and there is one house there now. He explained that 24 feet will cause some practical difficulties; there is a ravine that comes close to the present 12 feet of paving; there are fence issues; and there are grove and irrigation issues. He believes that 20 feet can be accommodated without major disruption and it is sufficient for a two-way private driveway. He referred to the letter of opposition from Steve Guwar who owns the property in the County at the stub end of Monroe. He explained that they have met with the Guwar Family and have assured them that they will provide access to the back of their lot as they are requesting via Condition 26, which is the easement. Based upon that, they have written a letter withdrawing their opposition. He proceeded to read the letter.

Commissioner Leonard inquired as to how many properties are affected by this.

Mr. Shackelton stated eight.

Commissioner Leonard asked Mr. Shackelton to describe the improvements that exist as you enter the property off of the Madison/Irving intersection.

Mr. Shackelton stated that there is presently a 12-foot paved driveway that serves one house. On each side of that 12 feet there is two or three feet of gravel shoulder.

Commissioner Leonard confirmed that there is a gate in front of this driveway that prohibits people from passing through.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Leonard, **TO APPROVE** P04-1255, subject to the findings, recommendations, and conditions of staff, **WITH MODIFICATION** to Condition 6 to change the paving requirement to 20 feet. The motion also includes the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Densmore, Kurani, Leonard, Norton, Stephens

NOES: None.

DISQUALIFIED: Singletary

ABSTAINED: None.

ABSENT: Brown

Chairman Agnew advised of the appeal procedures.

WORKSHOP

19. Continued review of the General Plan 2025 Program with emphasis on the Zoning Code. The Commission will adjourn to the Board Room for this lunch time workshop.

This workshop was held during the lunch recess in the Council Board room.

2:00 p.m.

- 20a. **PLANNING CASE P04-0676:** Proposed General Plan Amendment by John Nicholson and William L. Davis on behalf of WLD Holdings, LLC to establish a Rancho La Sierra Specific Plan Overlay District encompassing approximately 1,462 mostly vacant acres located at the northwesterly boundary of City, including the existing Rancho La Sierra Specific Plan area and portions of the La Sierra Hills in the RC -Residential Conservation and RA-5 Residential Agricultural Zones. The Overlay District will accommodate the potential future submission of a specific plan within this area.
- 20b. **PLANNING CASE P04-0677:** Proposed Development Agreement between the City of Riverside and the Rancho La Sierra Property Owners to allow up to 598 single family dwelling units to be clustered on the River Ranch and Diaz portions of the expanded Rancho La Sierra Specific Plan area, and to preserve approximately 869 acres as open space located at the northwesterly boundary of City, including 150 acres within the existing Rancho La Sierra Specific Plan area and portions of the La Sierra Hills in the RC -Residential Conservation and RA-5 Residential Agricultural Zones.

(See file for court transcript.)

Following staff presentation, testimony, and deliberation, the City Planning Commission (1) found that the circumstances for preparation of an EIR Addendum pursuant to Section 15162 of CEQA Guidelines are met and recommended approval of the Addendum; (2) Approved the General Plan Amendment Case P04-0676 and recommended that the City Council authorize the City to execute the Development Agreement Case P04-0677, subject to the recommended conditions of approval, including modifications to Condition 1b and 1c to include the word “approximate” as opposed to “minimum”, and to Condition 2 to modify the last sentence to state, “The following mitigation measures shall be incorporated into the future Rancho La Sierra Specific Plan based upon the current environmental document. These mitigation measures could be either modified or superseded by new mitigation measures as may be applied to the subsequent specific plan based on the separate environmental review undertaken for the specific plan.” The recommendation for approval was based on the following findings: (a) The proposed concept plan will preserve open space and cluster development in a manner consistent with the City of Riverside’s Proposition R and Measure C and the General Plan; (b) The site represents a substantial development opportunity that will have benefits both citywide and to the surrounding neighborhood; and ©) Approval of the General Plan Amendment and Development Agreement will provide a level of certainty for the City, neighboring residents and developer regarding the general parameters of the future development of the site.

MOTION WAS PASSED by a vote of 6 ayes to 1 no.

AYES:	Agnew, Comer, Densmore, Leonard, Norton, Singletary
NOES	Kurani
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Brown, Stephens

Chairman Agnew advised of the appeal procedure.

DISCUSSION OF FUTURE AGENDA ITEMS

No discussion.

MISCELLANEOUS PLANNING AND ZONING ITEMS

21. Report from the City Planning Commission representative to the City Land Use Committee.

Ken Gutierrez, Planning Director, briefed the Commission on a special Land Use Committee meeting that was held.

22. Recent City Council actions of interest to the City Planning Commission.

John Swiecki, Principal Planner, presented a brief report on recently approved actions by the City Council

Ken Gutierrez, Planning Director, updated the Commission on recent changes in the Planning Department. He introduced Patti Nahill of the Planning Department, a contract planner who is working on the City's annexations.

Patti Nahill updated the Commission on the status of annexations in the City of Riverside.

23. Briefing on upcoming agenda items.

MINUTES

The minutes of October 7, 2004 and October 21, 2004 were approved as presented.

ADJOURNMENT

The Commission adjourned at 4:30 p.m. to the January 20, 2005 meeting at 9:00 am.